

MA78SMIC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

22 Cr. 352 (JSR)

5 JATIEK SMITH,

6 Defendant.

7 -----x
8 New York, N.Y.
9 October 7, 2022
10 9:45 a.m.

11 Before:

12 HON. JED S. RAKOFF,

13 District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the
17 Southern District of New York

18 RUSHMI BHASKARAN

19 ELIZABETH ESPINOSA

20 Assistant United States Attorneys

21 MICHAEL VITALIANO

22 Attorney for Defendant
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MA78SMIC

1 (In open court; case called)

2 THE DEPUTY CLERK: Will everyone please be seated and
3 will the parties please identify themselves for the record.

4 MS. BHASKARAN: Good morning, your Honor. Rushmi
5 Bhaskaran and Elizabeth Espinosa for the government.

6 MR. VITALIANO: Good morning. Michael Vitaliano for
7 Mr. Smith.

8 THE COURT: Good morning. And Mr. Smith is here.

9 So I received the following letter from Mr. Smith:

10 "Dear Judge Rakoff, I am writing to request the
11 dismissal of my attorney, Michael Vitaliano, Esq. At this time
12 I am confused and I do not know what to think anymore. I've
13 advised my counsel effective September 30" -- it says 2002, but
14 I am assuming he means 2022 -- "he would no longer be
15 representing me. At this time I am looking for a continuance
16 or requesting for my trial date be moved. I have yet to
17 receive my discovery and asking the Court to release it to me
18 so I can review and am adequately prepared for trial. Kindly
19 accept this letter as my formal request to represent myself *pro*
20 *se* and relieve Mr. Michael Vitaliano, Esq. as my counsel.
21 Please notify me if you need anything further to accommodate my
22 request. Sincerely, Jatiek S. Smith."

23 So the request for a continuance of the trial is
24 denied. Mr. Smith had, as was his constitutional right,
25 demanded a speedy trial. He was advised at the time that there

MA78SMIC

1 were downsides to that, but he persisted, as was his right, and
2 so we set the trial, and the trial is firmly, fully and finally
3 set for November 28, and that date will not change.

4 With respect to the request to change counsel, I think
5 we need to talk about that with Mr. Smith and his counsel in a
6 sealed proceeding, outside the presence of everyone but those
7 two. So the government and also anyone in the courtroom needs
8 to go outside. We will call you back in a few minutes.

9 (Continued on next page)

MA78SMIC

1 (Pages 4-11 sealed by order of Court)

2 (In open court; all parties present).

3 THE COURT: Let me first note for the record that the
4 sealed portion of the transcript will be available only to the
5 defendant, the defendant's counsel, and this Court.

6 We are now back on the unsealed portion of the record.

7 I had misread one sentence in the letter from
8 Mr. Smith. I want to first correct that.

9 He said, "At this time I am not looking for a
10 continuance or requesting for my trial date to be moved."

11 Of course, as I have already indicated, I won't move
12 it in any event, but he was not asking for that and I want to
13 correct that misreading on my part.

14 Mr. Smith and I and his counsel had a very useful
15 discussion and at the end he concluded that he wanted to go
16 forward with his counsel rather than fire his counsel and
17 proceed *pro se*. Of course, he reserves the right to reconsider
18 that, but for now he is going to go forward with his consent
19 and with his counsel.

20 So I think that's everything that I needed to cover.

21 Anything that the government needs to raise?

22 MS. BHASKARAN: Nothing from the government.

23 THE COURT: Anything that counsel needed to raise?

24 MR. VITALIANO: No, Judge. I would just ask for
25 medical attention for Mr. Smith when he goes back to the MDC.

MA78SMIC

1 THE COURT: Medical attention?

2 MR. VITALIANO: Medical attention.

3 THE COURT: What's the problem?

4 THE DEFENDANT: I have been writing sick holds since I
5 have been there. I have another blood clot in my lungs.

6 THE COURT: I am glad you raised that. I want defense
7 and the government jointly to reach out to the relevant people
8 in the MDC to arrange for you to be seen by a doctor in the
9 next, let's say 24 hours. If that cannot be arranged, and of
10 course the MDC has lots of problems and they are overcrowded,
11 then counsel should jointly call me and I will personally call
12 the warden and arrange for you to be seen by the doctor. So
13 that will occur within the next 24 hours.

14 MR. VITALIANO: Thank you, Judge.

15 THE COURT: Very good. Thanks a lot.

16 (Adjourned)

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